Paper No. 35

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Ex parte PETER J. SIMS

Appeal No. 2002-2280
Application No. 09/020,393

HEARD: March 6, 2003

Before ADAMS, MILLS, and GRIMES, Administrative Patent Judges.

MILLS, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134 from the examiner's final rejection of claims 10-12 and 16-17, which are the claims examined in this application. Claims 1-9, 13-15 and 18-35 are also pending in the application, but have been withdrawn from examination by the examiner as directed to a non-elected invention. We note the application was subject to a restriction and election of species requirement, and that the examiner has examined claims 10-12 and 16-17 to the extent they read on the elected subject matter. Answer, page 3. Therefore our decision in this

appeal is limited to claims directed to the elected subject matter. We take no position with respect to the patentability of the non-elected species. See Ex parte Ohsaka, 2 USPQ2d 1460, 1461 (Bd. Pat. App. & Int. 1987).

Claim 10 is representative of the claims on appeal and reads as follows:

10. A method for inhibiting human C5b-9 complex assembly comprising administering to a patient in need thereof an effective amount of a composition comprising a peptidomimetic selected from the group consisting of proteins, peptides, nucleic acids, and small molecules having the structure and function of human CD59 amino acids 42-58, and binding specifically to amino acid residues 359-384 of human C9.

The prior art references relied upon by the examiner are:

Sims (Sims)	5,550,108	Aug. 27, 1996

Chang et al. (Chang), "Identity of a Peptide Domain of Human C9 That is Bound by the Cell-surface Complement Inhibitor, CD59," Journal of Biological Chemistry, Vol. 269, No. 42, pp. 26424-26430 (1994)

Reference Cited by Merits Panel

Sims ('884)	5,843,884	Dec. 1, 1998 (filed Nov. 15, 1995)

Grounds of Rejection

Claims 10-12 and 16-17 stand rejected under 35 U.S.C. § 112, first paragraph for lack of enablement.

Claims 10-12 and 16-17 stand rejected under 35 U.S.C. § 112, second paragraph for indefinite claim language which fails to particularly point out and distinctly claim what appellant regards as the invention.

Claims 10-12 and 16-17 stand rejected under 35 U.S.C. § 102/103 over Sims.

Claims 10-12 and 16-17 stand rejected under 35 U.S.C. § 103 over Sims in view of Chang.

We reverse these rejections.

DISCUSSION

In reaching our decision in this appeal, we have given consideration to the appellant's specification and claims, to the applied prior art references, and to the respective positions articulated by the appellant and the examiner.

Rather than reiterate the conflicting viewpoints advanced by the examiner and the appellant regarding the noted rejection, we make reference to the examiner's Answer for the examiner's reasoning in support of the rejection, and to the appellant's Brief and Reply Brief for the appellant's arguments thereagainst. As a consequence of our review, we make the determinations which follow.

35 U.S.C. § 112, first paragraph

Claims 10-12 and 16-17 stand rejected under 35 U.S.C. § 112, first paragraph, for lack of enablement.

To satisfy the enablement requirement of 35 U.S.C. § 112, first paragraph, a patent application must adequately disclose the claimed invention so as to enable a person skilled in the art to practice the invention at the time the application was filed

without undue experimentation. Enzo Biochem, Inc. v. Calgene, Inc., 188 F.3d 1362, 1371-72, 52 USPQ2d 1129, 1136 (Fed. Cir. 1999). We note, however, that nothing more than objective enablement is required, and therefore it is irrelevant whether this teaching is provided through broad terminology or illustrative examples. In re Marzocchi, 439 F.2d 220, 223, 169 USPQ 367, 369 (CCPA 1971). As set forth in in re Wright, 999 F.2d 1557, 1561-62, 27 USPQ2d 1510, 1513 (Fed. Cir. 1993):

> When rejecting a claim under the enablement requirement of section 112, the PTO bears an initial burden of setting forth a reasonable explanation as to why it believes that the scope of protection provided by that claim is not adequately enabled by the description of the invention provided in the specification of the application; this includes, of course, providing sufficient reasons for doubting any assertions in the specification as to the scope of enablement.

To assist the fact finder in meeting his initial burden of setting forth a reasonable explanation as to why it is believed that the scope of the claimed invention is not adequately enabled by the description, our appellate reviewing court has outlined a number of factors that should be considered. As set forth in In re Wands, 858 F.2d 731, 735, 736-37, 8 USPQ2d 1400, 1402, 1404 (Fed. Cir. 1988), the factors to be considered in determining whether a claimed invention is enabled throughout its scope without undue experimentation include the quantity of experimentation necessary, the amount of direction or guidance presented, the presence or absence of working examples, the nature of the invention, the state of the prior art, the relative skill of those in the art, the predictability or unpredictability of the art, and the breadth of the claims.

We will consider the examiner's conclusion that the specification fails to enable the claimed invention with this precedent in mind.

The examiner argues that there is insufficient direction or guidance to provide one skilled in the art in the selection of a "'peptidomimetic having the structure and function of human CD59 amino acid residues 42-58' commensurate in scope with the claimed methods, nor is there sufficient evidence provided that all such peptidomimetics could be used in a practical manner either in vitro or in vivo to inhibit C5b-9 complex." Answer, page 4. The examiner concludes it would require undue experimentation to produce all such possible "peptidomimetics" or molecules without more specific guidance from the disclosure. Id.

In response, appellant argues that the "extensive disclosure in the specification at pages 11 and 13-27, which describes molecules including proteins, antibodies, compounds identified using combinatorial [chemistry], and compounds identified by rational drug design, using the guidelines provided based on the discovery that one short peptide sequence of human CD59 alone is responsible for the species-specific binding of CD59 to inhibit formation of the C5b-9 complex, using the standard of one skilled in the art." Brief, page 12. Appellant argues that with computer programs that can be downloaded readily from the internet, and the entire amino acid sequences of the relevant molecules (CD59 and C9) being known, it would be routine to create a three dimensional structure as claimed. The invention, according to appellant, "resides

in knowing which portion of these two structures are critical for **species-specific binding**." Brief, page 13.

In response, the examiner again argues the rejection is appropriate because appellant has not disclosed or provided for nucleic acids and small molecules having the structural and functional properties asserted by the appellant and encompassed by the claimed invention. Answer, page 8. The examiner contends that those of ordinary skill in the art understand that minor structural differences among structurally related compounds or compositions can result in substantially different biological or pharmacological activities. Id.

We begin our analysis by reviewing the scope of the claims in question. Appellant asserts that the claims encompass molecules which structurally mimic human CD59 amino acid residues 42-58 when these amino acids have the same spatial orientation as when present in the intact molecule (page 19, lines 8-16). Brief, pages 3-4. The compound must bind specifically to amino acids 359 to 384 of human C9 (page 43, line 23 to page 45, line 13). Id. In agreement with appellant's claim interpretation as set forth in the Brief, "peptidomimetics" are defined in the specification as including small molecules which present the surface exposed side chains in these amino acids in the same relative positions, compounds identified by combinatorial chemistry techniques which bind to the active portions of human C9, as well as modified peptides. Specification, pages 6-7.

Appellant submits that the specification describes how to prepare chimeric proteins at pages 13-14; describes antibodies to amino acids 42-58 of CD59 at pages 14-17; and identifies how to prepare compounds by combinatorial chemistry at pages 17-18 of the specification. Methods of rational drug design and suitable computer programs for use therein are described in the specification at pages 18-24 and methods for synthesis of the compounds is described at pages 24-27 of the specification. Brief, pages 8-9.

We find the present claims, when read in view of the specification, to be relatively narrow in scope, requiring that peptidomimetics within the scope of the pending claims must mimic the surface exposed side chains in the recited amino acids in the same relative positions. Appellant submits that peptidomimetics within the scope of the claims can be determined by routine experimentation in the art.

What is missing from the examiner's analysis is sufficient argument, supported by relevant evidence, that given the claim scope as discussed herein, and the disclosure in the specification as to relevant methods and computer modeling to prepare such compounds, as to why one of ordinary skill in the art would not be able to prepare compounds within the scope of the pending claims. Such evidence, if available, could have taken the form of relevant publications which evidence that protein chemistry, combinatorial chemistry and computer modeling techniques, in spite of the state of the art, and knowledge of a target sequence, remain unpredictable. We do not have such evidence before us. Nor do we have a detailed consideration by the

examiner of the Wands factors relevant to enablement. Findings of fact and conclusions of law must be made in accordance with the Administrative Procedure Act, 5 U.S.C. 706 (A), (E) (1994). See Zurko v. Dickinson, 527 U.S. 150, 158, 119 S.Ct. 1816, 1821, 50 USPQ2d 1930, 1934 (1999). Findings of fact relied upon in making the enablement rejection must be supported by substantial evidence within the record. See In re Gartside, 203 F.3d 1305,1315, 53 USPQ2d 1769, 1775 (Fed. Cir. 2000).

In view of the above, the rejection of claims 10-12 and 16-17 for lack of enablement is reversed.

35 U.S.C. § 112, second paragraph

Claims 10-12 and 16-17 stand rejected under 35 U.S.C. § 112, second paragraph, for indefinite claim language which fails to particularly point out and distinctly claim what appellant regards as the invention.

The examiner argues that the pending claims are indefinite due to the claim terminology "a peptidomimetic having the structure and function of human CD59 amino acid residues 42-58". Answer, page 4. The examiner finds this language vague and indefinite since it encompasses a "myriad of different 'peptidomimetics'" and "it is not apparent from the disclosure which particular 'peptidomimetics' are being referred to." Id. The examiner continues, "Applicant as not provided sufficient biochemical information (i.e. molecular weight, amino acid composition, N-terminal sequence, etc)

that distinctly identifies the claimed "peptidomimetics" encompassed by the claimed invention." Id.

One of the purposes of 35 U.S.C. § 112, second paragraph, "is to provide those who would endeavor, in future enterprise, to approach the area circumscribed by the claims of a patent, with adequate notice demanded by due process of law, so that they may more readily and accurately determine the boundaries of protection involved and evaluate the possibility of infringement and dominance." In re Hammack, 427 F.2d 1378, 1382, 166 USPQ 204, 208 (CCPA 1970) (citations omitted). As set forth in Amgen Inc. v. Chugai Pharmaceutical Co., Ltd., 927 F.2d 1200, 1217, 18 USPQ2d 1016, 1030 (Fed. Cir. 1991):

> The statute requires that "[t]he specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention." A decision as to whether a claim is invalid under this provision requires a determination whether those skilled in the art would understand what is claimed. See Shatterproof Glass Corp. v. Libbey-Owens Ford Co., 758 F.2d 613, 624, 225 USPQ 634, 641 (Fed. Cir. 1985) (Claims must "reasonably apprise those skilled in the art" as to their scope and be "as precise as the subject matter permits.").

Furthermore, claim language must be analyzed "not in a vacuum, but always in light of the teachings of the prior art and of the particular application disclosure as it would be interpreted by one possessing the ordinary skill in the pertinent art." In re Moore, 439 F.2d 1232, 1235, 169 USPQ 236, 238 (CCPA 1971). Whether a claim is indefinite under 35 USC § 112, second paragraph, depends upon whether those skilled in the art

would understand what is claimed, or the scope or the bounds of the claim, when read in light of the specification. The threshold step in resolving this issue is to determine whether the examiner has met his burden of proof by advancing acceptable reasoning of indefiniteness.

As indicated above, we find the term "peptidomimetic" is defined in the specification in a manner which is understood by those of ordinary skill in the art. While the claim terminology "peptidomimetic" may be broad, encompassing peptides, proteins and small molecules, we do not find the claim terminology, when read in light of the specification, to be indefinite. It is also well settled that the mere breadth of a claim does not in and of itself make a claim indefinite.[1] Thus, we do not agree that the examiner has provided sufficient argument or evidence that the claim language is indefinite, i.e., that a person skilled in the art would not understand the bounds of the claims when read in light of the specification. See Miles Laboratories Inc. v. Shandon Inc., 997 F.2d 870, 875, 27 USPQ2d 1123, 1126 (Fed. Cir. 1993). The rejection of claims 10-12 and 16-17 under 35 U.S.C. § 112, second paragraph, is reversed.

[1] Breadth of a claim is not to be equated with indefiniteness. See In re Miller, 441 F.2d 689, 169 USPQ 597 (CCPA 1971).

35 U.S.C. § 102/103

Claims 10-12 and 16-17 stand rejected under 35 U.S.C. § 102/103 over Sims.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros., Inc. v. Union Oil Co., 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); In re Schreiber, 128 F.3d 1473, 1477, 44 USPQ2d 1429, 1431 (Fed. Cir. 1997). With this as background, we analyze the prior art applied by the examiner in the rejection of the claims on appeal.

It is the examiner's position that Sims teach the use of anti-C9 antibodies to inhibit C5b-9 complex. Answer, page 5. The examiner notes that Sims does not disclose CD59 per se, however "it appears that antibodies that bind C9 which inhibit C5b-9 complex formation would have the inherent properties of the claimed methods." Id. The examiner concludes that because the "claimed functional limitations would be inherent properties of the referenced methods of using C9-specific antibodies to inhibit C5b-9 complex formation and complement-mediated inflammation, that the burden of proof shifts to appellant to establish a patentable distinction between the claimed and referenced methods." Id.

The appellant responds, arguing that Sims does not identify CD59 amino acid residues 42-59 nor that this region binds to amino acid residues 359-384, either explicitly or implicitly. Brief, page 14. Appellant also argues that merely because

there may be an antibody which binds to C9 does not mean that it mimics the region of CD59, as claimed. Id.

In the present case the examiner has determined because Sims describes use of C9-specific antibodies to inhibit C5b-9 complex, that Sim's C9 specific antibody inherently has the structure and function of human CD59 amino acids 42-58, and bind specifically to amino acid residues 359-384 of human C9. The examiner then proceeds to shift the burden of proof to appellant to prove that the antibodies and claimed methods are not the same.

In considering the examiner's position, we believe the statement of the rejection resulted from a misapplication of the principles enunciated in In re Best, 562 F.2d 1252, 1255, 195 USPQ 430, 433-34 (CCPA 1977) (footnote omitted), where the court stated:

> Where, as here, the claimed and prior art products are identical or substantially identical, or are produced by identical or substantially identical processes, the PTO can require an applicant to prove that the prior art products do not necessarily or inherently possess the characteristics of his claimed product. . . . Whether the rejection is based on 'inherency' under 35 U.S.C. § 102, on 'prima facie obviousness' under 35 U.S.C. § 103, jointly or alternatively, the burden of proof is the same, and its fairness is evidenced by the PTO's inability to manufacture products or to obtain and compare prior art products.

Normally, when an examiner compares the subject matter of a claim pending in an application with an individual prior art reference, the examiner will determine whether a difference exists between the two. If no difference exists, the reference would be considered an anticipation under 35 U.S.C. § 102. If a difference exists, the reference becomes, at best, evidence under 35 U.S.C. § 103. However, In re Best is directed to a

particular set of circumstances where examiners in the USPTO cannot readily determine whether a difference exists between the subject matter of a given claim and a particular prior art document. Typically these circumstances arise in the context of a claim directed to a compound or composition where the claim describes a property or a function of the compound or composition which the prior art reference does not address. These circumstances can also arise where as here the claim is directed to an antibody. As explained in Best, if the claimed and prior art products appear to be identical or substantially identical, the USPTO can require an applicant to prove that the prior art product does not necessarily or inherently possess the characteristics of the claimed product. In order to invoke the principles of In re Best, the examiner must first make factual findings which support the conclusion that the claimed and prior art products prima facie are "identical or substantially identical." That determination must be made case-by-case based upon the facts in the individual case.

We do not find the examiner has adequately established under the principles of In re Best, a prima facie case that the claimed and prior art products are "identical or substantially identical" to appropriately shift the burden to appellant to establish a patentable distinction between the claimed and referenced methods. In fact, in finding that the C9 specific antibody of Sims is "inherently the same," as the claimed antibody the examiner made a determination which eliminates the need to apply the principle of Best. The rationale of Best is that the USPTO cannot make that determination. Simply put, the USPTO does not have sufficient facts to determine whether the respective

antibodies are "inherently the same." Nor can the USPTO conclude that the subject matter of the claim would have been obvious since it cannot determine whether the antibodies differ. Rather than make the explicit finding that the respective antibodies are "inherently the same," the examiner need only identify the common characteristics of the respective antibodies and explain why those common characteristics allow one to reasonably conclude the respective antibodies are "identical or substantially identical." While the court in Best spoke of "inherency" under 35 U.S.C. § 102 and prima facie obviousness under 35 U.S.C. § 103, the fact remains that the USPTO is not in a position to make either conclusion since the record does not allow one to determine if and how the claim differs from the prior art reference. At best, the examiner is in the position of inferring from the facts available that the claim is unpatentable. If the facts in a case allow the examiner to make that inference, the examiner may properly invoke the principles of In re Best and shift the burden to applicants to come forward with evidence establishing that the respective products, here antibodies, do differ.

Instructive on this point is the following statement in In re Spada, 911 F.2d 705, 707, 15 USPQ2d 1655, 1657 (Fed. Cir. 1990):

> In response to the PTO's asserted prima facie case the applicant may argue that the inference of lack of novelty was not properly drawn, for example if the PTO did not correctly apply or understand the subject matter of the reference, or if the PTO drew unwarranted conclusions therefrom. However, when the PTO shows sound basis for believing that the products of the prior art and the applicant are the same, the applicant has the burden of showing that they are not. In re King, 801 F.2d 1324, 1327, 231 USPQ 136, 138 (Fed. Cir. 1986); In re Ludtke, 441 F.2d 660, 664, 169 USPQ 563, 566 (CCPA 1971).

While the examiner does appear to have established that the antibody of Sims inhibits C5b-9 complex formation, in our view, this evidence alone is not sufficient to establish that the antibody of Sims and the antibody having the characteristics claimed are identical or substantially identical.

Alternatively, to establish inherency, extrinsic evidence "must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill." In re Robertson, 169 F.3d 743, 745, 49 USPQ2d 1949, 1951 (Fed. Cir. 1999); Continental Can Co. v. Monsanto Co., 948 F.2d 1264, 1269, 20 USPQ2d 1746, 1749 (Fed. Cir. 1991). "Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient." Id. at 1269, 20 USPQ2d at 1749 (quoting In re Oelrich, 666 F.2d 578, 581, 212 USPQ 323, 326 (CCPA 1981)). We do not find that the examiner, in accordance with legal precedent, has established a prima facie case of anticipation based upon inherency. In our view, the disclosure of Sims alone does not establish that persons of ordinary skill in the art would recognize that the structure and function of human CD59 amino acids 42-58, and binding specificity to amino acid residues 359-384 of human C9, are necessarily present in the C9 specific antibody described therein.

For these reasons, we reverse the rejection of claims 10-12 and 16-17 under 35 USC § 102/103 in view of Sims alone.

35 U.S.C. § 103

Claims 10-12 and 16-17 stand rejected under over Sims in view of Chang.

In rejecting claims under 35 U.S.C. § 103, the examiner bears the initial burden of presenting a prima facie case of obviousness. See In re Rijckaert, 9 F.3d 1531, 1532, 28 USPQ2d 1955, 1956 (Fed. Cir. 1993). It is well-established that the conclusion that the claimed subject matter is prima facie obvious must be supported by evidence, as shown by some objective teaching in the prior art or by knowledge generally available to one of ordinary skill in the art that would have led that individual to combine the relevant teachings of the references to arrive at the claimed invention. See In re Fine, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988).

The disclosure of Sims is described above. The examiner relies on Chang to establish "the nature of the interaction between C9 and CD59, including identifying the peptide domain of human C9 that is bound by CD59 (e.g. residues 359-411) and the importance of these interactions in complement mediated activities..." Answer, page 5.

The examiner concludes that (Answer, page 6):

> One of ordinary skill in the art at the time the invention was made would have been motivated to select for anti-C9 antibodies that inhibit C5b-9 complex formation in modulating complement-mediated inflammatory responses, including selecting for those anti-C9 antibodies that inhibit CD59-mediated interactions with C9 and the complement cascade. The residues of 359-384 of C9 would have been targeted given the screening for inhibiting C5b-9 complex formation and the role of these residues in CD59 binding, as taught by the references.

Appellant argues that "one cannot extrapolate from the information relating to human C9 to obtain information about human CD59." Brief, page 15. It is also argued that while "Chang identifies the region of human C9 which is bound by CD59", it does not identify the portion of CD59 which binds C9. Id. Appellant argues that the requirement for binding to a specific region of C9 is a specific limitation of the claimed compounds. Brief, page 15.

Again we do not find that the examiner has provided sufficient evidence that the C9 specific antibody of Sims, while inhibiting C5b-9, necessarily inhibits C5b-9 in the same manner, or that it has the structure and function of human CD59 amino acids 42-58, and binds specifically to amino acid residues 359-384 of human C9. For example, it would remain possible that the C9 specific antibody of Sims may not necessarily bind amino acid residues 359-384 of human C9 or have the structure and function of human CD59 amino acids 42-58, but still could provide some alternative steric hindrance which would inhibit C5b-9 complex formation.

"In proceedings before the Patent and Trademark Office, the Examiner bears the burden of establishing a prima facie case of obviousness based upon the prior art. '[The Examiner] can satisfy this burden only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references.'" In re Fritch, 972 F.2d 1260, 1265, 23 USPQ2d 1780, 1783 (Fed. Cir. 1992) (citations omitted). An adequate showing of motivation to combine requires "evidence that 'a skilled artisan,

confronted with the same problems as the inventor and with no knowledge of the claimed invention, would select the elements from the cited prior art references for combination in the manner claimed.'" Ecolochem, Inc. v. Southern Calif. Edison Co., 227 F.3d 1361, 1375, 56 USPQ2d 1065, 1075 (Fed. Cir. 2000) (quoting In re Rouffet, 149 F.3d 1350, 1357, 47 USPQ2d 1453, 1456 (Fed. Cir. 1998)).

In our view the examiner has not provided a sufficient reason, suggestion or motivation to combine the Sims and Chang disclosures to arrive at the claimed invention. The examiner has not provided a sufficient nexus between the Chang identified region of human C9 which is bound by CD59 and the C9 specific antibody of Sims to support a prima facie case of obviousness.

Thus, we do not find that the cited references provide sufficient evidence to establish a prima facie case of obviousness. The rejection of the claims is reversed.

Other Issue

During the oral hearing appellant made the USPTO aware of U.S. Patent No. 5,843,884 ('884), issuing Dec. 1, 1998, and filed November 15, 1995. We take this opportunity to remind appellant there is an ongoing duty to make the Patent Office aware of relevant prior art, no matter what stage of prosecution the application resides. 37 CFR 1.56. The abstract of the '884 patent indicates that molecules which inhibit CD59 binding including peptides containing residues 359-384 which compete for binding with the other components of the C5b-9 complex and anti-idiotypic antibodies

immunoreactive with C9 residues 359 to 384, are disclosed therein. Upon return of the application to the examiner, the examiner should determine if the '884 patent is available as prior art to the present application. If it is determined that the '884 patent is prior art to the present application, the examiner should make an appropriate rejection. The examiner should also consider whether any double patenting issues are presented as between the present application and the '884 patent.

CONCLUSION

The examiner's rejections of Claims 10-12 and 16-17 under 35 U.S.C. § 112, first paragraph for lack of enablement; claims 10-12 and 16-17 under 35 U.S.C. § 112, second paragraph for indefinite claim language; claims 10-12 and 16-17 under 35 U.S.C. § 102/103 over Sims and claims 10-12 and 16-17 under 35 U.S.C. § 103 over Sims in view of Chang, are reversed.

The application is returned to the examiner for consideration of possible issues presented by the disclosure of the '884 patent, including any relevant double patenting issues.

REVERSED

DONALD E. ADAMS
Administrative Patent Judge

DEMETRA J. MILLS
Administrative Patent Judge

ERIC GRIMES
Administrative Patent Judge

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